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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Luis Gonzalas,
Petitioner,
v.
Brian Williams, et. al.,
Respondents.

Case No. 2:17-cv-01653-RFB-GWF

Unopposed Motion for Extension of Time to File Amended Petition

(First Request)

Petitioner Luis Gonzalas, by and through counsel, C.B. Kirschner, Assistant Federal Public Defender, moves this Court for an extension of time of ninety-one (91) days¹ from June 18, 2018, to and including September 17, 2018, to file the First Amended Petition.

¹ An extension of 90 days would result in the Amended Petition being due on a Sunday.

POINTS AND AUTHORITIES

1. On or about February 11, 2008, Luis Gonzalas, was sentenced to life with the possibility of parole, following his conviction for murder with use of a deadly weapon. On May 25, 2017, he filed a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 by a Person in State Custody (Not Sentenced to Death). ECF No. 1-1. Mr. Gonzalas remains incarcerated with the Nevada Department of Corrections.

2. This Court appointed the Office of the Federal Public Defender as counsel for Mr. Gonzalas and granted leave for counsel to file an Amended Petition for Writ of Habeas Corpus. ECF Nos. 7 & 11. Counsel entered her appearance on March 8, 2018. ECF No. 10.

3. The Amended Petition is currently due June 18, 2018. Mr. Gonzalas now requests an additional ninety-one (91) days, up to and including September 17, 2018, to file the Amended Petition. This is the first request for an extension of time.

4. The additional period of time is necessary in order to effectively represent Mr. Gonzalas. This motion is filed in the interests of justice and not for the purposes of unnecessary delay.

5. Since being appointed to this case, counsel's office has been in the process of obtaining and organizing the state court records, transcripts, as well as prior counsels' files. In accordance with our filing system and procedures, these materials need to be sorted, organized, scanned, and coded into our electronic case system. This must be done before counsel can file a complete and accurate Amended Petition. Counsel is also still in the process of obtaining prior counsels' files and reviewing the numerous state court transcripts in this case, which includes a five-day long jury trial.

1 6. Counsel has been working on several other cases with recent, and
2 immovable, filing deadlines, including: a First Amended Petition in *Barron-Aguilar*
3 *v. Wickham*, case no. 3:17-cv-00548-MMD-VPC, AEDPA statute of limitations was
4 May 4, 2018 (filed on May 3rd); a First Amended Petition in *Azcarate v. Williams*,
5 case no. 2:17-cv-02190-RFB-GWF, AEDPA statute of limitations was May 9, 2018
6 (filed that day); an Opening Brief to the Nevada Supreme Court in *Ennis v. Nevada*,
7 case no. 74457, due May 18, 2018 with no further extensions (filed May 17th); a First
8 Amended Petition in *Dryden v. Williams*, case no. 2:17-cv-00704-JAD-NJK, due
9 June 4, 2018 with no further extensions (filed that day); and a Reply Brief to the
10 Ninth Circuit Court of Appeals in *Noguera v. Smith*, case no. 17-16185, due June
11 18, 2018 (filed this day). Counsel is currently working on several other upcoming
12 filing deadlines in other habeas cases.

13 7. Counsel was also out of the office on leave from May 18 to May 24,
14 2018.

15 8. On June 14, 2018, Deputy Attorney General Jessica Perlick was
16 contacted via email and stated that she did not object to the extension, but the lack
17 of objection should not be construed as a waiver of any procedural defenses, nor as a
18 concession that any amended petition will be considered timely filed, nor as a basis
19 for equitable tolling.

20 9. For the above stated reasons, Petitioner respectfully requests this
21 Court grant the request for an extension of time of ninety-one (91) days and order
22 the Amended Petition to be filed on or before September 17, 2018.

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Dated this 18th day of June, 2018.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ CB Kirschner

C.B. Kirschner
Assistant Federal Public Defender

IT IS SO ORDERED:

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RICHARD F. BOULWARE, II
United States District Court
DATED: June 19, 2018.

CERTIFICATE OF SERVICE

I hereby certify that on June 18, 2018, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Jessica Perlick.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following non-CM/ECF participants:

Luis Gonzalas
#1016275
1250 E. Arica Rd
Eloy, AZ 85131

/s/ Dayron Rodriguez

An Employee of the
Federal Public Defender